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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,243	06/30/2006	Mikito Yasuzawa	YMUCP007	2615
22434	7590	12/08/2010		
Weaver Austin Villeneuve & Sampson LLP			EXAMINER	
P.O. BOX 70250			NATNITHITHADHA, NAVIN	
OAKLAND, CA 94612-0250				
			ART UNIT	PAPER NUMBER
			3735	
			NOTIFICATION DATE	DELIVERY MODE
			12/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

Office Action Summary

Application No.

10/544,243

Applicant(s)

YASUZAWA ET AL.

Examiner

NAVIN NATNITHITHADHA

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/225)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Preliminary Amendment

1. According to the Amendment, filed 30 June 2006, the status of the claims is as follows:

Claims 3 and 5-12 are currently amended; and

Claims 1, 2, 4, and 13 are as originally filed.

Priority

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 17 February 2003.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Macur, U.S. Patent No. 3,957,613 A ("Macur").

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As to Claim 1, Macur teaches the following:

A linear device which is a linear member 10/11 ("probe" including electrode systems 10 and 11, see Abstract and fig. 1) comprising:

a base layer ("central wire") 12 extending in the axial directions of the linear member 10/11; and

a plurality of layers (see layers 14, 16, 17, 30, 31, and 33) formed on the base layer 12 and extending in the axial directions of the linear member 10/11, one of said plurality of layers being a conductive layer ("electrode") 15, 30, and/or 33 and one of said plurality of layers being an insulating layer ("insulating layer") 14, 17, and/or 31.

As to Claim 2, Macur teaches the following:

wherein the front end of the linear member 10/11 is pointed (see fig. 1)

As to Claim 3, Macur teaches the following:

wherein:

the conductive layer 15 is formed on one side of the base layer 12;

the insulating layer 17 is formed so as to cover the surface of the conductive layer 15; and

the conductive layer 15 is exposed at the front end of the linear member 10/11 to constitute a contacting part.

As to Claim 4, Macur teaches the following:

wherein a platinum layer is formed on the contacting part (see col. 6, ll. 37-55).

As to Claim 5, Macur teaches the following:

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wherein two or more of said plurality of layers are conductive layers 15, 30, and/or 33 and two or more of said plurality of layers are insulating layers, each insulating layer being disposed between the conductive layers 14, 17, and/or 31.

As to Claim 6, Macur teaches the following:

wherein one of said plurality of layers is of a superelastic alloy (see col. 6, ll. 20-66).

As to Claim 7, Macur teaches the following:

wherein one of said plurality of layers is of a superelastic resin (see col. 6, ll. 20-66).

As to Claim 8, Macur teaches the following:

wherein one of said plurality of layers is of a shape-memory material (see col. 6, ll. 20-66)..

As to Claim 9, Macur teaches the following:

wherein the width of the linear member 10/11 is 1-200 micrometers (see col. 3, ll. 14-20).

As to Claim 10, Macur teaches the following:

wherein the linear member 10/11 has an axial core 12 serving as the base layer 12 (see fig. 1).

As to Claim 11, Macur teaches the following:

wherein a detecting agent, which reacts on a certain substance to produce another one, is applied to the surface of one of the conductive layers 15 at the front end of the linear member 10/11 (see col. 2, l. 46, to col. 3, l. 13).

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As to Claim 12, Macur teaches the following:

wherein one side of the front end of the linear member is provided with a treating region which includes conductive surfaces and insulating surfaces arranged alternately in the directions of the longitudinal center axis of the linear member, each conductive surface being part of the outer surface of one of the conductive layers and each insulating surface being part of the outer surface of one of the insulating layers (see col. 2, l. 46, to col. 3, l. 13).

As to Claim 13, Macur teaches the following:

wherein the front end of the linear member 10/11 is provided with a protector ("membrane or diffusion barrier") 19 of an insulating material to cover the front end (see col. 2, ll. 66-68).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The other patents cited in the PTO-892 teach subject matter related to the Applicant's claims. The Examiner suggests reviewing these patents before responding to the present Office Action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAVIN NATNITHITHADHA whose telephone number is (571)272-4732. The examiner can normally be reached on Monday-Friday, 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navin Natnithithadha/
Patent Examiner, Art Unit 3735
12/06/2010